Indian and Northern Affairs Canada | Affaires indiennes et du Nord Canada

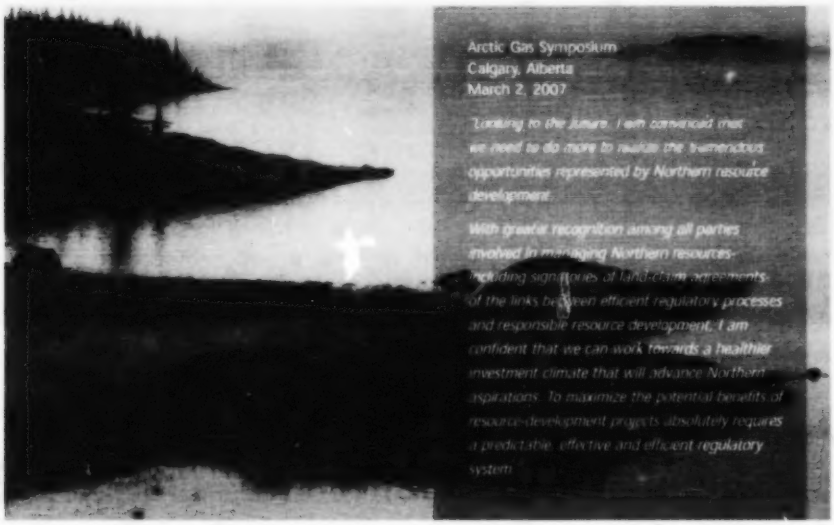
Spring 2007

NWT Plain Talk

On Land and Self-government

Message from the Minister:

The Honourable Jim Prentice, PC, QC, MP Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-status Indians



Arctic Gas Symposium
Calgary, Alberta
March 2, 2007

"Looking to the future, I am convinced that we need to do more to realize the tremendous opportunities represented by Northern resource development.

With greater recognition among all parties involved in managing Northern resources – including signatories of land claims agreements – of the links between efficient regulatory processes and responsible resource development, I am confident that we can work towards a healthier investment climate that will advance Northern aspirations. To maximize the potential benefits of resource-development projects absolutely requires a predictable, effective and efficient regulatory system.

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A New System for a Growing Territory

The land and resource management regime in the NWT is relatively new and continues to evolve.

The land and resource management regime in the NWT is a shared system with decision-making spread among many players, organizations and institutions. Both the federal and territorial governments, as well as Aboriginal people and other residents are stakeholders in this system, which has its origins in part in the settlement of land claims throughout the territory. Numerous federal resource management acts and regulations, such as the *Mackenzie Valley Resource Management Act*, *the Fisheries Act*, the Canadian Environmental Assessment Act and the Northwest Territories Waters Act, as well as settled land claims (and interim measures in advance of the settlement of claims), define the regulatory regime.

The NWT land and resource management regime is relatively new and continues to evolve in tandem with the political and resource development landscape of the territory. As development pressures and opportunities grow, the regime has been tested by major projects, giving stakeholders the opportunity to identify areas for improvement in the complexity, efficiency and effectiveness.

The purpose of our newsletter is to keep you informed on the progress of land and self-government negotiations in the Northwest Territories, and to provide some answers to frequently asked questions. We also feature the people and communities involved in negotiations, celebrate milestones, and announce upcoming events. On behalf of the Department of Indian Affairs and Northern Development (DIAND), we hope you will find our newsletter informative and easy to read.

Recommendations for Change

Recommendations for improvements to the regulatory regime have come from several sectors. The Office of the Auditor General, the *NWT Environmental Audit*, the *External Advisory Committee on Smart Regulations*, industry associations, and the co-management boards themselves have all expressed a desire for the regulatory regime to continue to grow into a more effective and efficient system.

In this issue of *Plain Talk*, you will learn about the recommendations made by the Auditor General, as well as what INAC is doing, along with other key players, to make the system work for the interests of all Canadians.

The Time is Right!

The NWT economy has grown by leaps and bounds over the last number of years. The rapidly growing role of the NWT in the national economy has been noticed. The Auditor General's report on the development of non-renewable resources in the NWT is testament to the success and vast potential of the territory. Given the degree of interest, and the current demand for natural resources, the time is right to address the way regulatory decisions are made, ensuring a modern and responsive system.

Ongoing review, evaluation and improvement are key elements of any successful system or program, and resource management regimes are no exception. The Auditor General's report is an important guidance document detailing what measures should be undertaken to ensure the system operates efficiently and effectively.

The time is right to address the way regulatory decisions are made.

The Auditor General's Report

The Office of the Auditor General released a report in April of 2005 on the development of non-renewable resources in the NWT. The report is an important means to assist improvements to the management of natural resources in the North. The audit looked at the process which was established by the *Mackenzie Valley Resource Management Act* (MVRMA), and focused largely on INAC's responsibilities in the process, beginning with the application for a land permit and or a water licence and ending with the decision on the application. The audit was conducted through interviews with key stakeholders, including representatives from industry, the Government of the Northwest Territories and Aboriginal groups.

Taking Action

Mackenzie Valley is vast and includes much of the territory.

The Auditor General's Report identified 10 areas for improvement where INAC could strengthen its role in the development of non-renewable resources in the NWT. The objective of the report was to determine how well the federal government had managed its responsibilities associated with the development of non-renewable resources in the Northwest Territories.

An action plan is in full swing to address recommendations raised by the Office of the Auditor General and improve the way INAC works with both Mackenzie Valley and Inuvialuit Boards, other land claim and self-government signatories and interested parties towards responsible economic development within a sound environmental management framework.

What is the NWT Board Forum?

The NWT Board Forum is a way for regulatory boards in the Northwest Territories to meet and share information on important issues concerning the management of land and water resources. The Forum meets twice a year to present information on various issues of common interest. It has been identified as an effective means of addressing the recommendations presented in the Auditor General's report such as training and strategic planning initiatives. The forum is made up of the Chairs of the:

- NWT regulatory boards created under the MVRMA (see above)
- NWT co-management bodies under the Inuvialuit Final Agreement
- Inuvialuit Environmental Impact Screening Committee
- Inuvialuit Environmental Impact Review Board
- Inuvialuit Game Council
- NWT Water Board
- National Energy Board

And the:

- Associate Regional Director General of INAC NWT Region
- Deputy Minister for Environment and Natural Resources of the Government of the Northwest Territories

The Plan

At the recent meeting of the Board Forum in Behchoko in November 2006, regulatory boards met to share information on issues concerning the management of land and water resources.

Some of the issues identified by the Auditor General included the need for consistent performance standards, the need for INAC to become more involved in managing its role in the resource management process, the need to improve the capacity of resource management boards, and the need to clarify the roles and responsibilities of all parties. It was also reported that guidelines should be developed for clarifying key terms in legislation. The Mackenzie Valley Environmental Impact Review Board took the lead on this initiative in consultation with INAC and has developed a reference bulletin on key terms of the *Mackenzie Valley Resource Management Act*.

The Auditor General recommended that INAC work with the boards to improve the way they plan and report, thus building strength and capability. This is being achieved by supporting opportunities for the boards to identify their organizational objectives, including reflection on their mandate, vision and mission.

The report also recommended that INAC should work with the boards to identify and share best practices, to assess training needs and provide for those needs where appropriate. Boards of the NWT cooperatively established the NWT Board Forum, which has been an important resource for addressing several of the key recommendations. Learning tools are being generated for new board members to become familiar with their roles. INAC has worked with the members of the NWT Board Forum to complete three learning resources, *Best Practices for Institutions of Public Governance, NWT Boards Training Needs Assessment and Key Considerations for the Development of an Orientation Manual*, and the *General Orientation Binder for NWT Board Members*. To share best practices, board chairpersons and executive directors representing various boards formed the Northern Boards Training Initiative Steering Committee and developed a proposal for submission to INAC.

These ongoing and shared initiatives, in addition to new ideas, will improve the clarity and certainty for project proponents. They will better equip the NWT to develop its resources in a sustainable and efficient way.

You were asking...

Q What is the Mackenzie Valley Resource Management Act?

A The (*Mackenzie Valley Resource Management Act* MVRMA) is federal legislation that implements the Gwich'in and Sahtu land claims and was amended when the Tlicho land claim was finalized. The *MVRMA* creates an integrated co-management structure for public lands and waters throughout the Mackenzie Valley. The Act establishes public boards to regulate the use of land and water, to prepare regional land use plans and to carry out environmental assessments of proposed projects. The Act also makes provisions for monitoring cumulative impacts on the environment and calls for periodic, independent environmental audits. The Mackenzie Valley includes all of the NWT, with the exception of the Inuvialuit Settlement Region, and the Wood Buffalo National Park.

To learn more about the NWT regulatory process as described in the *MVRMA*, please refer to The *Mackenzie Valley Resource Management Act – A Citizen's Guide*. The guide is available online at www.inac.gc.ca or call (867) 669-2576 to obtain a paper copy.

Q Where does the northern regulatory regime fit into the approvals needed for the proposed Mackenzie Gas Project?

A Each board will determine how and when it will undertake application reviews for the Mackenzie Gas Project (MGP). To coordinate activities and avoid duplication, the boards signed the *Agreement for Coordination of the Regulatory Review of the Mackenzie Gas Project* in April 2004. A regulatory coordinating body has been established to undertake the work involved – the Regulatory Steering Committee. The Northern Gas Project Secretariat provides support for the Steering Committee.

The primary goal of the Regulatory Steering Committee is to fulfill the objectives of the regulators' agreement to achieve coordination, efficiencies and timeliness in regulatory processes for the MGP.

Q Which boards is the Auditor General referring to in her report?

A The Auditor General's report deals with all regulatory boards that operate under the *Mackenzie Valley Resource Management Act*. Those boards are:

- Gwich'in Land Use Planning Board
- Gwich'in Land and Water Board
- Mackenzie Valley Environmental Impact Review Board
- Mackenzie Valley Land & Water Board
- Sahtu Land & Water Board
- Sahtu Land Use Planning Board
- Wek'eezhi Land & Water Board

Q Where can I get a copy of the Auditor General's report and a copy of INAC's official response?

A The Auditor General's report and the department's official response are available onthe Auditor General of Canada web site: http://www.oag-bvg.gc.ca/

Do you have a question about land or self-government negotiations in the NWT? We'd be happy to provide an answer. Contact us at the address listed below.

On the Web

Government of Canada programs and services
Government of Canada site:
www.gc.ca

INAC
Northwest Territories Region site:
nwt.inac.gc.ca

Youthbuzz on the NWT:
nwt.inac.gc.ca/Youthbuzz

Agreements
Indian and Northern Affairs Canada site:
inac.gc.ca/pr/agr/index_e.html

Plain Talk ***on the web***
Indian and Northern Affairs Canada site:
nwt.inac.gc.ca/pt_e.htm

OUR VISION

The NWT region of INAC is a respected partner in a strong and healthy Northwest Territories.

We strive for:

- respectful, effective relationships with Aboriginal people;
- creating and enhancing opportunities for all Northerners;
- responsible resource development in healthy ecosystems;
- northern control over northern resources;
- responsive and accountable northern government as partners; and
- national initiatives that reflect the interests of all Northerners.

Here's who to contact:

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Plain Talk on Land and Self-government is produced by the Department of Indian Affairs and Northern Development in the NWT to help northerners understand these concepts, how they work, and what they mean in our day-to-day lives. It is not a legal document.